

Message

From: Biggio, Patricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2A9A640A9A2941C5A9BE1C4967E71718-BIGGIO, PAT]
Sent: 4/23/2020 1:20:27 PM
To: Metzger, Michael [Metzger.Michael@epa.gov]
Subject: RE: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos
Attachments: TCVP Response Statement 042320.docx

No problem, thanks!!

From: Metzger, Michael <Metzger.Michael@epa.gov>
Sent: Thursday, April 23, 2020 9:20 AM
To: Biggio, Patricia <biggio.patricia@epa.gov>
Subject: RE: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Hi Trish – With the current system issues, I can't access the file. Can you send as an attachment? Thanks. Mike

From: Biggio, Patricia <biggio.patricia@epa.gov>
Sent: Thursday, April 23, 2020 9:12 AM
To: Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Metzger, Michael <Metzger.Michael@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: FW: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos
Importance: High

All,

We are drafting some information points for FEAD in response to the Court's decision. Please see our draft response at the link below and attached. FEAD is asking for something by 11:00 – 11:30 today. Many thanks for expediting this review.

-Trish

https://usepa.sharepoint.com/:w:/r/sites/ocspp_Work/pesticideregistrationreview/Schedules/TCVP/TCVP%20Response%20Statement%20042320.docx?d=w92517c5a46cb4e0abd8a3e37f78c49b5&csf=1&web=1&e=iaiTt8

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Thursday, April 23, 2020 8:38 AM
To: Biggio, Patricia <biggio.patricia@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: Re: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Good morning,

I just got an update that Alex wants us to provide a more robust response for today's news cycle. Can you pull together that a few sentences that hit on the following points:

Ex. 5 Deliberative Process (DP)

Is it possible to have me something by 11:00 -11:30 today? Please don't hesitate to reach out if you have any questions!

Thank you,

Carissa

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Wednesday, April 22, 2020 6:40 PM
To: Biggio, Patricia <biggio.patricia@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: Re: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Thanks Trish. I just spoke to Greg and he is confirming with OCSPP IO to see if an additional response is needed. Please hold for now on drafting. I should hear back tomorrow on whether the response is needed.

From: Biggio, Patricia <biggio.patricia@epa.gov>
Sent: Wednesday, April 22, 2020 6:18 PM
To: Cyran, Carissa <Cyran.Carissa@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: RE: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Hi Carissa,

I think we can get you something by then.

Thanks!

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Wednesday, April 22, 2020 6:13 PM
To: Biggio, Patricia <biggio.patricia@epa.gov>; Jones, Ricardo <Jones.Ricardo@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: Re: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Hello, I apologize for all the emails, but I wanted to let you know that OPA replied to the reporter with the response "we are reviewing the decision." I think it would be good to continue working a response based on Alex's request to address the negative statements. Can you send me something by COB Friday?

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Wednesday, April 22, 2020 5:53 PM
To: Biggio, Patricia <biggio.patricia@epa.gov>; Jones, Ricardo <Jones.Ricardo@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: Re: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Hi Trish,

I just wanted to check in to see what the status is on the response.

Thank you,

Carissa

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Wednesday, April 22, 2020 3:59 PM
To: Biggio, Patricia <biggio.patricia@epa.gov>; Jones, Ricardo <Jones.Ricardo@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: Re: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Thank you Trish. Yes, can you pull together a few sentences?

From: Biggio, Patricia <biggio.patricia@epa.gov>
Sent: Wednesday, April 22, 2020 3:52 PM
To: Cyran, Carissa <Cyran.Carissa@epa.gov>; Jones, Ricardo <Jones.Ricardo@epa.gov>
Cc: Friedman, Dana <Friedman.Dana@epa.gov>; Godshall, Joshua <Godshall.Joshua@epa.gov>
Subject: RE: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Hi Carissa,

Apologies for the delay, the most recent desk statement I found was from 2010, I'm sorry to say we don't have anything better than that. Will be happy to help in drafting a response.

Thank you,
Trish

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Wednesday, April 22, 2020 3:28 PM
To: Biggio, Patricia <biggio.patricia@epa.gov>; Jones, Ricardo <Jones.Ricardo@epa.gov>
Subject: PRD RESPONSE NEEDED: 9th Circuit court ruling re: Tetrachlorvinphos

Hello Trish and Ricardo,

The 9th Circuit Court just issued a ruling today regarding tetrachlorvinphos that is requiring EPA to respond within 90 days of the final date of this decision to the NRDC petition requesting EPA end the use of tetrachlorvinphos in household pet products. We are being asked to prepare a response to the negative statements about EPA's delay in a decision.

Do you happen to have any recent responses regarding EPA's response to the NRDC petition? I wasn't able to locate any in our database. If so, I am can take a first cut at drafting a response.

I've included the discussion below as an FYI.

Thank you,

Carissa

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Wednesday, April 22, 2020 2:47 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: 3 PM media deadline: 9th Circuit court ruling re: pesticide

Understand. We will want to address/put in context the negative discussion used to reach the mandamus.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Cole, Joseph E. <cole.josephe@epa.gov>
Sent: Wednesday, April 22, 2020 2:43 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: FW: 3 PM media deadline: 9th Circuit court ruling re: pesticide

Alex,

FYI – see our initial response on a request for a comment.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Joe

Joseph E. Cole
Associate General Counsel
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5583

From: Cole, Joseph E.
Sent: Wednesday, April 22, 2020 2:34 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: RE: 3 PM media deadline: 9th Circuit court ruling re: pesticide

That response or “no comment” seems appropriate at this time. Thanks.

Joe

Joseph E. Cole
Associate General Counsel
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5583

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Wednesday, April 22, 2020 2:16 PM

To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Subject: RE: 3 PM media deadline: 9th Circuit court ruling re: pesticide

That works for me. Attaching the decision, which I haven't even had a chance to get to Kamila yet.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Sent: Wednesday, April 22, 2020 2:14 PM

To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>

Subject: 3 PM media deadline: 9th Circuit court ruling re: pesticide

In light of the press inquiry and the Court ruling, would we be comfortable going with, "EPA is reviewing the decision" or do you think the program wants to make a different statement?

Ariadne Goerke
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
202-564-5471 (office)
202-505-0535 (cell)

From: Labbe, Ken <Labbe.Ken@epa.gov>

Sent: Wednesday, April 22, 2020 1:49 PM

To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>

Subject: FW: 9th Circuit court ruling re: pesticide

+ OGC

From: Labbe, Ken

Sent: Wednesday, April 22, 2020 1:43 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: 9th Circuit court ruling re: pesticide

Hi All, Please see inquiry below. Deadline 3 pm

From: Marc Heller <mheller@eenews.net>

Sent: Wednesday, April 22, 2020 1:41 PM

To: Press <Press@epa.gov>

Subject: 9th Circuit court ruling re: pesticide

Good afternoon --- I'm writing a short, quick story on this for a 3 p.m. deadline for E&E News PM. Does EPA have a response or comment on it? Sorry about the rush, it just found its way to me...

<https://cdn.ca9.uscourts.gov/datastore/opinions/2020/04/22/19-71324.pdf>

thanks,
marc

Marc Heller
Agriculture Reporter
E&E News

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